

Sample Anti-Social Behaviour Policy

Foreword

This document presents one possible way of organising procedures to manage Anti-Social Behaviour, it is not a definitive example of best practice. Methods of managing can vary based on your organisation values and the clients you serve. What is important is that procedures are clear, consistent, and made available to Tenants.

Purpose

This document outlines [Organisation]'s policy for handling Anti-Social Behaviour associated with Tenants.

Scope

This policy applies to all homes owned or managed by [Organisation] Tenants, occupiers, contracted staff and third parties.

It covers incidents including, but not limited to:

- Harassment and intimidation of neighbours or others through threats or actual violence;
- Noise nuisance at high levels and/or occurring at unreasonable hours, or over a sustained period;
- Deliberate damage to property including vandalism and graffiti;
- Nuisance from vehicles including inconsiderate parking, abandonment, and repairs;
- Litter and rubbish dumping;
- Use of a property for unlawful purposes where this interferes with the quiet enjoyment of neighbours;
- Failure to control pets.

Definitions

Anti-Social Behaviour – Any behaviour by a Tenant, tenant's family member or visitor that unreasonably interferes with another person or persons' right to the use or enjoyment of their home, neighbourhood, or other public place.

Policy Statement

[Organisation] is committed to ensuring that our Tenants have the right to the quiet enjoyment of their homes and that they do not negatively impact on the quiet enjoyment of others.

[Organisation] will take a proactive approach in trying to prevent Anti-Social Behaviour. This will be done by:

- Notifying the Tenant when they are offered the property of the conditions of the Tenancy relating to Anti-Social Behavior;
- Providing information in a number of accessible formats (Tenants' Handbook, website, newsletters) on what constitutes Anti-Social Behaviour;
- A copy, made available on request, of [Organisation]'s policies and approach for dealing with Anti-Social Behaviour.

It is [Organisation]'s policy not to interfere in personal disputes between Tenants and their neighbours in the first instance. Tenants are expected to take responsibility to try to resolve any problems themselves in a reasonable manner.

As a rule, [Organisation] will only take formal action under the Residential Tenancies Act 1986 in the following circumstances:

- Behaviour is causing any interference with the reasonable peace, comfort, or privacy of any of [Organisation]'s other tenants or any other person residing in the neighbourhood;
- Damage is being caused to property;
- There is a likelihood of violence or personal injury to a [Organisation] staff member or third-party;
- Or any other serious breach of the tenancy agreement not capable of remedy: [RTA 1986, S.55(1)(c)].

Anti-Social Behaviour Procedure

The following actions will be taken should an incident of Anti-Social Behaviour become known to [Organisation].

Notification of Anti-Social Behaviour and Recording a Complaint

[Organisation] may become aware of alleged Anti-Social Behaviour in a number of ways:

- A complaint made by another Tenant or neighbour;
- A Tenancy Manager becomes aware through inspections or witnessing behaviour;
- Notification by a third party: Police, Council Officer, etc.

Any notice of alleged Anti-Social Behaviour should be recorded on the Tenancy File.

Investigation

Once [Organisation] becomes aware of alleged Anti-Social Behaviour the Tenancy Manager will investigate. The Tenancy Manager will speak to complainants, neighbours, etc. and where appropriate, the Tenancy Manager will meet with the Tenant regarding the allegation to provide the Tenant with an opportunity to explain their version of events.

The Tenancy Manager will explain that, if proven, Anti-Social Behaviour is potentially a serious breach of tenancy conditions under the Residential Tenancies Act 1986. The Tenancy Manager will explain the remedies available to address this breach (including seeking a Tenancy Tribunal order seeking possession of the property).

If a verbal agreement is reached to remedy the breach, the Tenancy Manager will draw up a written agreement outlining the nature of the breach and the required action to remedy the breach. This agreement will be signed by both the Tenancy Manager and the Tenant. The agreement will be placed on the Tenant's file and may be used to support a subsequent application to the Tenancy Tribunal for mediation or an Order to terminate the Tenancy.

In arranging a meeting with the Tenant, the Tenancy Manager will carry out a risk assessment. If there is deemed to be an unacceptable level of risk posed by the Tenant or anyone residing at the premises (or from uncontrolled pets or other risks posed by the environment), the Tenancy Manager will arrange to either carry out an accompanied visit with a colleague or Police Officer, or will arrange to meet the Tenant at [Organisation]'s offices.

A File Note will be kept of every discussion with the Tenant on the Tenancy File. If the Tenant is assessed as posing a risk to the safety of staff or members of the public or themselves, the matter will be referred to [Organisation Manager].

Action on Investigation

If the Tenancy Manager is satisfied that the allegation of Anti-Social Behaviour is justified they will take the following actions:

- If [Organisation] is aware that the behaviour is linked to a mental health issue or other social problems, the Tenancy Manager will liaise with relevant social support organisations to help resolve the issue e.g. MSD case managers; Iwi or hapu support groups; the Police; mediation services; social service support providers, etc.
- Serve a 14-day 'Notice to Remedy' using the pro-forma letter clearly outlining the nature of the breach and the action that must be taken to remedy the breach;
- If this is the first occurrence and the breach is not remedied after 14 days, apply to the Tenancy Tribunal for mediation or an Order of the Tribunal to remedy the breach;
- Or if this is a repeat occurrence, apply to the Tenancy Tribunal at the same time as the 14-day 'Notice to Remedy' is served for either mediation or an order of the Tribunal;
- If there are other issues and this is a repeat occurrence serve a 90-day notice to terminate the Tenancy at the same time that the 14-day Notice to Remedy is served. This notice can be withdrawn if the issue is resolved satisfactorily;
- If any of the actions above fail to rectify the issue, a 90-Day Notice should be served and the Tenancy Manager should apply to the Tenancy Tribunal for an Order to terminate the Tenancy.

Tenancy Tribunal

[Organisation] Anti-Social Behaviour Policy is guided by legislation. Section 40 of the [Residential Tenancies Act 1986](#) requires that the Tenant shall not:

- Intentionally or carelessly damage or permit any other person to damage the premises;
- Use the premises, or permit the premises to be used for any unlawful purpose;
- Cause, or permit any interference with the reasonable peace, comfort, or privacy of any of the landlord's other tenants or with the reasonable peace, comfort or privacy of any other person residing in the neighbourhood or in the immediate area.

Contravention of these terms by a Tenant is an unlawful act and if following attempts by [Organisation] to remedy the breach, the breach continues, [Organisation] will apply to the Tenancy Tribunal seeking an order to remedy the breach. Under Section 41 of the [Residential Tenancies Act 1986](#) the Tenant is responsible for the actions of others who are in the premises with the Tenant's permission.

Under Section 45 of the [Residential Tenancies Act 1986](#) [Organisation] has a responsibility to take all reasonable steps to ensure that none of the landlord's Tenants causes or permits any interference with the reasonable peace, comfort or privacy of another Tenant in the use of the premises.

Breaches incapable of remedy

There are some breaches of the Tenancy which are incapable of remedy, primarily:

- Substantial damage to the property;
- Assault of [Organisation] staff, any occupier or any neighbour; and
- Serious criminal conduct such as manufacturing or selling illegal drugs at the property.

In this case, [Organisation] will make an immediate application to the Tenancy Tribunal to terminate the Tenancy.

Communication and Appeals

Throughout any process relating to Anti-Social Behaviour, [Organisation] will communicate with the Tenant of any actions intended to be undertaken. [Organisation] will offer the Tenant the opportunity to provide their point of view and will advise the Tenant of their right to seek independent advice on any issues raised by [Organisation] (e.g. from a CAB, Community Law Centre, Tenancy Services Mediator).

[Organisation] will also notify Tenants of the Complaints and Appeals Policy against any decision taken by [Organisation] in relation to an Anti-Social Behaviour allegation.

Relevant Legislation/Regulatory Compliance

- Residential Tenancies Act 1986;
- Housing Restructuring and Tenancy Matters (Community Housing Provider) Regulations 2014.

Related Policies and Documents

- Complaints and Appeals Policy;
- Customer Care Policy;
- New Tenants Policy;
- Relationship Breakdown and Domestic Violence Policy;
- Anti-Social Behaviour 14-day Notice to Remedy;
- Anti-Social Behaviour Investigation Form;
- Risk Assessment Checklist.

Quality Control

Version	Last Reviewed	Reviewer	CHRA Aligned	BPG Aligned